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NOTICE OF ALLOWANCE AND FEE(S) DUE

23696 7590 06/12/2009

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

GRAHAM, CLIMENT B

ART UNIT

PAPER NUMBER

3696

DATE MAILED: 06/12/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,156	01/30/2002	Brian Minear	010182	8738

TITLE OF INVENTION: APPLICATION DISTRIBUTION AND BILLING SYSTEM IN A WIRELESS NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/14/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

2366 7590 06/12/2009

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5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/062,156 01/30/2002 Brian Mincar 010182 8738

TITLE OF INVENTION: APPLICATION DISTRIBUTION AND BILLING SYSTEM IN A WIRELESS NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/14/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
GRAHAM, CLEMENT B	3696	705-040000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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23696 7590 06/12/2009			EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			GRAHAM, CLEMENT B	
			ART UNIT	PAPER NUMBER

3696

DATE MAILED: 06/12/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1214 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1214 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/062,156

Applicant(s)

MINEAR ET AL.

Examiner

Clement B. Graham

Art Unit

3696

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/16/08.
2. ☒ The allowed claim(s) is/are 1-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Frantzy Poinvil/
Primary Examiner, Art Unit 3696

ALLOWANCE

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James J. Bindsell March 31, 2009.

The application has been amended as follows:

Claim 1 has been replaced by --

-- Claim 1, A method for performing automated distribution and billing, comprising:
providing, at a server, a negotiation forum between a delivery entity and a receiver entity, wherein the delivery entity corresponds to a developer of an application, wherein the receiver entity corresponds to a distributor of the application, wherein the negotiation forum ~~allows for~~ provides a virtual negotiation of billing-related metadata between the delivery entity and the receiver entity for the application, wherein at least a portion of the billing-related metadata relates to how to account for distribution of the application by the receiver entity to a wireless device operating on a network of the receiver entity and corresponding to a subscriber;

receiving, at the negotiation forum, at least one proposed billing-related metadata associated with the application from at least one of the delivery entity or the receiver entity;

receiving an acceptance of the proposed billing-related metadata by the delivery entity and the receiver entity, thereby defining agreed-to billing-related metadata corresponding to the application, the delivery entity and the receiver entity;

receiving indication that a transaction involving the application, the wireless device and the receiver entity has occurred; and

transmitting billing information only to the receiver entity to account for the transaction, wherein the billing information is based on the agreed-to billing-related metadata, wherein the billing information includes a developer payment fee and transaction data corresponding to the

transaction, wherein the transaction data is used by the receiver entity to derive an application download event for billing the subscriber.

Claim 7 has been replaced by --

-- Claim 7, A system for performing automated distribution and billing, comprising:

means for providing a negotiation forum between a delivery entity and a receiver entity, wherein the delivery entity corresponds to a developer of an application, wherein the receiver entity corresponds to a distributor of the application, wherein the negotiation forum provides a virtual negotiation of billing-related metadata between the delivery entity and the receiver entity for the application, wherein at least a portion of the billing-related metadata relates to how to account for distribution of the application by the receiver entity to a wireless device operating on a network of the receiver entity and corresponding to a subscriber;

means for receiving, at the negotiation forum, at least one proposed billing-related metadata associated with the application from at least one of the delivery entity or the receiver entity;

means for receiving an acceptance of the proposed billing-related metadata by the delivery entity and the receiver entity, thereby defining agreed-to billing-related metadata corresponding to the application, the delivery entity and the receiver entity;

means for receiving indication that a transaction involving the application, the wireless device and the receiver entity has occurred; and

means for transmitting billing information only to the receiver entity to account for the transaction, wherein the billing information is based on the agreed-to billing-related metadata, wherein the billing information includes a developer payment fee and transaction data corresponding to the transaction, wherein the transaction data is used by the receiver entity to derive an application download event for billing the subscriber.

Claim 11 has been replaced by --

-- Claim 11, A computer-readable medium comprising instructions, which, when executed by a computer, cause the computer to perform operations, the instructions comprising:

at least one instruction for providing a negotiation forum between a delivery entity and a receiver entity, wherein the delivery entity corresponds to a developer of an application, wherein the receiver entity corresponds to a distributor of the application, wherein the negotiation forum

provides a virtual negotiation of billing-related metadata between the delivery entity and the receiver entity for the application, wherein at least a portion of the billing-related metadata relates to how to account for distribution of the application by the receiver entity to a wireless device operating on a network of the receiver entity and corresponding to a subscriber;

at least one instruction for receiving, at the negotiation forum, at least one proposed billing-related metadata associated with the application from at least one of the delivery entity or the receiver entity;

at least one instruction for receiving an acceptance of the proposed billing-related metadata by the delivery entity and the receiver entity, thereby defining agreed-to billing-related metadata corresponding to the application, the delivery entity and the receiver entity;

at least one instruction for receiving indication that a transaction involving the application, the wireless device and the receiver entity has occurred; and

at least one instruction for transmitting billing information only to the receiver entity to account for the transaction, wherein the billing information is based on the agreed-to billing-related metadata, wherein the billing information includes a developer payment fee and transaction data corresponding to the transaction, wherein the transaction data is used by the receiver entity to derive an application download event for billing the subscriber.

Claim 5 has been replaced by --

-- Claim 5, An automated distribution and billing system, comprising:

an extranet accessible by multiple carriers and multiple developers, wherein each developer corresponds to a creator of an application, wherein each carrier corresponds to a distributor of applications, wherein the extranet defines a negotiation forum that enables a virtual negotiation of billing-related metadata between a respective carrier and a respective developer for a respective application, wherein at least a portion of the billing-related metadata relates to how to account for distribution of the respective application by the respective carrier to a wireless device operating on a network of the respective carrier and corresponding to a subscriber;

a server having a central repository that stores agreed-to billing-related metadata corresponding to the respective application, the respective carrier and the respective developer,

wherein the agreed-to billing-related metadata comprises respective billing-related metadata accepted by both the respective carrier and the respective developer during the virtual negotiation; and

a transaction server for receiving transaction data corresponding to a downloading of the respective application from the respective carrier to the wireless device, and, using the corresponding agreed-to billing-related metadata, for determining billing information associated with the downloading of the application and for transmitting the billing information only to the carrier to account for the distribution of the application by the carrier to the wireless device, wherein the billing information includes a developer payment fee and a portion of the transaction data used by the carrier to derive an application download event for billing the subscriber.

Claim 19 has been replaced by --

-- Claim 19, A system for distributing applications over a wireless network, comprising:

a centralized processor for performing administrative functions associated with downloading an application to a wireless device, wherein the centralized processor comprises agreed-to billing-related metadata corresponding to the application, a developer of the application and a carrier accepted by both the carrier and the developer during a virtual negotiation, and wherein at least a portion of the agreed-to billing-related metadata relates to how to account for distribution of the application by the carrier to a respective wireless device operating on a network of the carrier and corresponding to a subscriber;

a local processor₁ connected to the centralized processor₁ for receiving catalog data and the application from the centralized processor, for transmitting the catalog data and the application to the wireless device, and for recording transaction data associated with the transmission of the application to the wireless device, wherein the catalog data includes a correspondence between the application and the agreed-to billing-related metadata; and

a transaction server₁ connected to the centralized processor and the local processor₁ for receiving the agreed-to billing-related metadata from the centralized processor, for receiving the transaction data from the local processor, and for processing the agreed-to billing-related metadata and the transaction data to generate billing information for transmission only to the carrier to account for the distribution of the application by the carrier to the wireless device,

wherein the billing information includes a developer payment fee and a portion of the transaction data used by the carrier to derive an application download event for billing the subscriber.

Allowable Subject Matter

2. Claims 1-42 are allowable over the prior art of record and has argued by Applicant's representative in their response 10/16/2008.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/
Primary Examiner, Art Unit 3696

Application/Control Number: 10/062,156
Art Unit: 3696

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May 1, 2009